

representatives, divided by 30, and multiplied by the number of days of the accrued annual leave of the employee;

(2) shall be paid—

(A) for clerk hire employees, from the clerk hire allowance of the Member;

(B) for committee employees, from amounts appropriated for committees; and

(C) for other employees, from amounts appropriated to the employing authority; and

(3) shall be based on the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(b) Regulations

The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) “Employee of the House of Representatives” defined

As used in this section, the term “employee of the House of Representatives” means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Separations after June 30, 1995

Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

(Pub. L. 104-53, title I, §109, Nov. 19, 1995, 109 Stat. 522; Pub. L. 105-55, title I, §103(a), Oct. 7, 1997, 111 Stat. 1183.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1996, which is title I of the Legislative Branch Appropriations Act, 1996.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105-55, §103(a)(1), (2), in introductory provisions, struck out “who is separated from employment,” after “House of Representatives” and substituted “of the employee or for any other purpose” for “of the employee”.

Subsec. (a)(1)(B). Pub. L. 105-55, §103(a)(3), substituted “in the case of a lump sum payment for the accrued annual leave of the employee, the amount” for “the amount”.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 1997 AMENDMENT

Section 103(b) of Pub. L. 105-55 provided that: “The amendments made by subsection (a) [amending this section] shall apply to fiscal years beginning on or after October 1, 1997.”

LUMP SUM PAYMENT FOR ACCRUED ANNUAL LEAVE OF SENATE EMPLOYEES

Pub. L. 106-554, §1(a)(2) [title I, §6], Dec. 21, 2000, 114 Stat. 2763, 2763A-97, provided that:

“(a) The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

“(1) the head of the employing office—

“(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

“(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

“(2) there are sufficient funds to cover the lump sum payment.

“(b)(1) A lump sum payment under this section shall not exceed the lesser of—

“(A) twice the monthly rate of pay of the employee; or

“(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

“(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1)(A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

“(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

“(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

“(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

“(f) In this section, the term—

“(1) ‘employee of the Senate’ means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

“(2) ‘head of the employing office’ means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.”

§ 60p. Payment for unaccrued leave

(a) In general

The Financial Clerk of the Senate is authorized to accept from an individual whose pay is disbursed by the Secretary of¹ Senate a payment representing pay for any period of unaccrued annual leave used by that individual, as certified by the head of the employing office of the individual making the payment.

(b) Withholding

The Financial Clerk of the Senate is authorized to withhold the amount referred to in subsection (a) of this section from any amount which is disbursed by the Secretary of the Senate and which is due to or on behalf of the individual described in subsection (a) of this section.

(c) Deposit

Any payment accepted under this section shall be deposited in the general fund of the Treasury as miscellaneous receipts.

(d) “Head of the employing office” defined

As used in this section, the term “head of the employing office” means any person with the

¹ So in original. Probably should be followed by “the”.

final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

(e) Applicability

This section shall apply to fiscal year 1996 and each fiscal year thereafter.

(Pub. L. 104–197, title I, § 9, Sept. 16, 1996, 110 Stat. 2398.)

CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997.

§ 60q. Voluntary separation incentive payments

(a) Authority to offer payments

Notwithstanding any other provision of law, the head of any office in the legislative branch may establish a program under which voluntary separation incentive payments may be offered to eligible employees of the office to encourage such employees to separate from service voluntarily (whether by retirement or resignation), in accordance with this section.

(b) Amount and administration of payments

A voluntary separation incentive payment made under this section—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(B) an amount determined by the head of the office involved, not to exceed \$25,000;

(3) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under this section;

(4) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(5) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5 based on any other separation; and

(6) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(c) Plan

(1) Plan required for making payments

No voluntary separation incentive payment may be paid under this section with respect to an office unless the head of the office submits a plan described in paragraph (2) to each applicable committee described in paragraph (3), and each applicable committee approves the plan.

(2) Contents of plan

A plan described in this paragraph with respect to an office is a plan containing the following information:

(A) The specific positions and functions to be reduced or eliminated.

(B) A description of which categories of employees will be offered incentives.

(C) The time period during which incentives may be paid.

(D) The number and amounts of voluntary separation incentive payments to be offered.

(E) A description of how the office will operate without the eliminated positions and functions.

(3) Applicable committee

For purposes of this subsection, the “applicable committee” with respect to an office means any committee of the House of Representatives or Senate with jurisdiction over the activities of the office under the applicable rules of the House of Representatives and the Senate (as determined by the head of the office), but does not include the Committees on Appropriations of the House of Representatives and the Senate.

(d) Exclusion of certain offices

This section shall not apply to any office which is an Executive agency under section 105 of title 5 or any employee of such an office.

(e) Eligible employee defined

(1) In general

In this section, an “eligible employee” is an employee (as defined in section 2105,¹ United States Code) or a Congressional employee (as defined in section 2107,² United States Code) who—

(A) is serving under an appointment without time limitation; and

(B) has been currently employed for a continuous period of at least 3 years.

(2) Exclusions

An “eligible employee” does not include any of the following:

(A) A reemployed annuitant under subchapter III of chapter 83 or 84 of title 5 or another retirement system for employees of the Government.

(B) An employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or 84 of title 5 or another retirement system for employees of the Government.

(C) An employee who is in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

(D) An employee who has previously received any voluntary separation incentive payment from the Federal Government under this section or any other authority.

(E) An employee covered by statutory re-employment rights who is on transfer employment with another organization.

(F) Any employee who—

(i) during the 36-month period preceding the date of separation of that employee, performed service for which a student loan repayment benefit was or is to be paid under section 5379 of title 5 or any other authority;

¹ So in original. Probably should be “2105 of title 5.”

² So in original. Probably should be “2107 of title 5.”